

REMARKS

Claims 2-4, 6-24, and 26-46 were presented for examination. In an Office Action dated August 29, 2003, claims 2-4, 6-24, and 26-46 were rejected. Claims 2, 35, and 39 are amended. Claims 2-4, 6-24, and 26-46 are now pending.

Applicants thank Examiner for the interview of October 7, 2003, a summary of which is included below. Based on amendments in response to the interview, Applicants request reconsideration and allowance of the pending claims.

Objections

In paragraph 1, Examiner objects to claims 2 and 39 as lacking antecedent basis for the limitation "the calling party's class" (Examiner refers to line 8 of claim 39, however, Applicants believe that Examiner intended to refer to line 9). Applicants submit that claims 2 and 39, as amended, recite sufficient antecedent basis.

Interview Summary

In paragraph 3, Examiner rejects independent claims 2 and 39 under 35 USC § 102(e) as being anticipated by Jang *et al.* (US Patent No. 5,274,698) ("Jang"), and claim 35 under 35 USC § 102(e) as being anticipated by Reuss *et al.* (US Patent No. 5,844,978) ("Reuss"). In addition, Examiner rejects dependent claims 4, 8, and 11 under 35 USC § 103(a) as being anticipated by Jang in view of Freedman (US Patent No. 5,627,887) ("Freeman"). During the telephone interview between Examiner Gerald Gauthier and Applicants' Attorney Dorian Cartwright, the parties came to agreement that each of these references should be withdrawn based on the claims as currently presented.

With respect to Jang, Attorney argued that the reference does not teach or disclose a communication request sufficient to establish communication between the calling party and

the called party. Examiner and Attorney discussed additional claim language to clarify this limitation. Agreement was reached that claims 2 and 39, as amended herein, are not taught or disclosed by Jang. Accordingly, amended claims 2 and 39 overcome the § 102(e) rejection. Because claims 3-4, 6-24, and 26-34, depend from independent claim 2, and claims 40-46 depend from independent claim 39, in addition to citing their own patentable features, these claims are also patentable over the cited references. Furthermore, since the clarifying amendment adds no new matter, Applicants submit that no new search is required and that the claims are in condition for allowance.

Furthermore, with respect to Freedman, Attorney and Examiner agreed that the reference is not proper prior art under § 103(a) because the effective filing date of Freedman (October 18, 1994) is later than the priority date of the present patent application (April 19, 1994). See MPEP 2136.02. Accordingly, claims 4, 8, and 11 overcome the § 103(a) rejection and are patentable over Jang in view of Freedman on an additional basis.

Finally, with respect to Reuss, Examiner and Attorney agreed that claim 35, as amended herein, clarifies that the communication request is to the called party. Applicant submits that such amendment does not constitute a narrowing amendment and is not related to patentability (*i.e.*, the previous and currently amended claim 35 contain the same limitations). Accordingly, amended claim 35 overcomes the § 102(e) rejection. Because claims 36-38 depend from independent claim 35, in addition to citing their own patentable features, these claims are also patentable over the cited references. Furthermore, since the clarifying amendment adds no new matter, Applicants submit that no new search is required and that the claims are in condition for allowance.

Other Amendments

Note that claims 2, 8, 35-38, and 39 have been amended for the purpose of readability (e.g., replaced "said" with "the"); claim 44 has been amended to correct a typographical error; and claim 33 has been amended to correct an error related to claim dependency.

Applicants submit that such amendments do not constitute narrowing amendments and are not related to patentability.

Conclusion

In summary, applicants respectfully submit that claims 2-4, 6-24, and 26-46 as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied) either alone or in combination. Therefore, Applicants request reconsideration and allowance of these claims. To this end, Applicants invites Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

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RESPECTFULLY SUBMITTED,
Jay L. Gainsboro et al.

By:

Dorian Cartwright

Dorian Cartwright
Registration No. 53,853
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7247
Fax: (650) 938-5200

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